



AN ORDINANCE

His Excellency and Council

For the establishing Courts of Judicature for the ease
and benefit of each respective City, Town and
County within this Province of *New-York*.

W H E R E A S His most Sacred Majesty by his Royal Letters Parents bearing date the Eighteenth day of *June* in the ninth year of His Majesties Reign, did amongst other things therein mentioned, give and grant unto his Excellency *Richard Earl of Bellmont* Captain General and Governour in chief over the Province of *New-York*, &c. Full power and Authority with the Advice and consent of His Majesties Council for the said Province to erect constitute and establish such and so many Courts of Judicature and publick Justice within the said Province, and Territories depending thereon, as his said Excellency and Council shall think fit and necessary, for the hearing and determining of all Causes, as well Criminal as Civil, according to Law and equity, and for awarding Execution thereupon, with all reasonable & necessary Powers, Authorities, Fees and Privileges belonging to them; his said Excellency the Governour, by & with the Advice and consent of his Majesties said Council, by virtue of the Powers and Authorities derived unto them, by his said Majesties Letters Parents, Does by these presents ordain, and it is hereby ordained by the Authority aforesaid: That every Justice of the Peace that resides within any Town or County within this Province, are by these presents fully empowered and authorized to have cognizance of all causes of debt and Trespasses to the value of forty shillings or under which causes or cases shall and may be heard tried and finally determined without a Jury by every Justice of the Peace residing as aforesaid, he taking to his Assistance at the time of hearing and determining such causes and cases of debt and trespasses to the value aforesaid, one of the Freeholders of the Town or place next.

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in where the cause or Action doth arise, the process of warning shall be by Summons under the hand of the Justice, directed to the Constable of the Town or Precinct, or to any deputed by him where the party complained against does live or reside, which summons being personally served or left at the Defendants House or place of his abode, two days before the hearing of the plaint, shall be sufficient Authority to and for the said Justice, *and the said* Justice, to proceed to hear such cause or causes, and determine the same in the Defendants absence, and to grant execution thereupon against the Defendant Person, or for want thereof, his Goods and Chattels, which the Constable or his deputy of that Town or Precinct shall and may serve.

And the said Justice and Council do by these presents further ordain, That there shall be kept and holden a Court of Common Pleas in each respective County, within this Province, which shall be holden in each respective County at such places in each Respective County, as the General Sessions are usually held and kept, and to begin the next day after the Sessions of the Peace does end and terminate, and then only to hold and continue for the space and term of two days and no longer. And that the several and Respective Courts of Pleas hereby established, shall have Power and Jurisdiction to hear, try & finally to determine all Actions or causes of Action, & all matters & thing tryable at common Law, of what nature or kind soever.

Provided always, and it is hereby ordain'd, That there may and shall be an Appeal or removal by *Habeas Corpus*, or any other lawful Writ, of any Person or of any Action or Suit depending, and of any Judgment or Execution that shall be determined in the said respective Courts of Pleas upwards of Twenty Pounds, and of any action or suit wherein the Right or Title of any Freehold shall be brought in dispute or upon tryal.

And he it further Ordained by the Authority aforesaid, That there shall be held and kept at the City of *New York*, a Supreme Court of Judicature, which Supreme Court is hereby fully empowered to have cognizance of all Pleas Civil, Criminal and Mixt, as fully and amply to all intents and purposes whatsoever as the Courts of Kings Bench, Common Pleas and Exchequer, within his Majesties Kingdom of *England*, have or ought to have, in & to which Supreme Court all and every Person and Persons whatsoever shall or may, if they see meet, commence any Action or Suit, the Debt or Damage laid in such Action or Suit being upwards of Twenty Pounds, and shall and may by *Certiorari*, *Habeas Corpus*, or any other lawful Writ, remove out of any of the respective Courts of Mayors and Aldermen, Sessions of the Peace or Common Pleas, any Information or Indictment there depending, or Judgment thereupon given, or to be given in any Criminal matter whatsoever cognizable before them, or any of them. As also all Actions, Pleas and Suits, real, personal or mixt, depending in any of the said Courts, and all Judgments thereupon given, or to be given. *Provided* always That the action or Suit depending or Judgment given, be upwards of the value of Twenty Pounds, or that the Action or Suit there depending or determined, be concerning the Right or Title of any Free hold.

And out of the Office of which Supreme Court at *New York* aforesaid, all process shall issue out under the Test of the Chief Justice of the said Court, and to which Office all Returns shall be made, which Supreme Court shall be holden at the City of *New York* on the first Tuesday in *April*, and on the first

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first Tuesday of *October*, annually, and every year; and each Sessions of the said Court shall only continue for the space of five days, and no longer. And one of the Justices of the said Supreme Court shall annually, or once in every year, if need shall so require, go the Circuit and hold and keep the said Supreme Court for the City and County of *Albany* at *Albany* on the first Tuesday in *May*; for *Ulster* and *Dutchess County* on the third Tuesday in *May*; for the County of *Westchester*, the last Tuesday in *June*; for *Kings County*, the first Tuesday in *August*; for *Queens County*, the second Tuesday in *August*; for the County of *Suffolk* the third Tuesday in *August*; for the County of *Richmond* the second Tuesday in *June*. Which Justice when he goes the Circuit shall in each respective County be attended with two or more of the Justices of the Peace, at least, during the time of two days whilst the said Court, in the Circuit, is sitting, and no longer.

And it is further ordained by the Authority aforesaid, That all and every of the Justices or Judges of the several Courts aforesaid, be & are hereby sufficiently empowered and authorized to make, ordain and establish all such Rules and orders for the more regular practising and proceeding in the said Courts, as fully and amply to all intents and purposes whatsoever, as all or any of the Judges of the several Courts of *Kings Bench*, *Common Pleas* and *Exchequer* in *England* legally do.

And it is also further ordained by the Authority aforesaid, That no persons Right or Property shall be by any of the aforesaid Courts determined, except where matters of Fact are either acknowledged by the parties, or Judgment confessed, or passeth by the Defendants fault, for want of plea or answer, unless the fact be found by the Verdict of twelve men of the Neighbourhood, as it ought to be done by the Law.

And it is further ordained by the Authority aforesaid, That the General Sessions of the Peace shall be held in each respective City and County within this Province at the times and places hereafter mentioned, that is to say: For the City and County of *New York* at the City Hall of the said City, four General Sessions of the Peace annually and every year, upon the first Tuesday of *May*, the first Tuesday of *August*, the first Tuesday of *November*, and the first Tuesday of *February*. For the City and County of *Albany*, three General Sessions of the Peace at the City Hall of the said City, annually and every year on the first Tuesday of *June*, *October* and *February*. For the County of *Westchester*, two General Sessions of the Peace, annually and every year at *Westchester* on the first Tuesday of *June* and *December*. For *Ulster* and *Dutchess County* two General Sessions of the Peace annually and every year, at *Kingston*, on the first Tuesday of *March* and *September*. For the County of *Richmond*, two General Sessions of the Peace annually and every year, on the first Tuesday of *March* and *September*. For *Kings County* two General Sessions of the Peace, annually and every year, at *Flarbusch* on the second Tuesday in *May* and *November*. For *Queens County* two General Sessions of the Peace, annually and every year, at *Jamaica* on the third Tuesday of *May* and *September*. For the County of *Suffolk* two General Sessions of the Peace, annually and every year, at *Southampton* on the last Tuesday in *March*, and at *Southold* on the last Tuesday of *September*. Which General Sessions of the Peace in each respective City and County aforesaid shall only hold and continue for the space and term of two days, and no longer.

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longer. *Always provided, and be it further ordained by the Authority aforesaid, that nothing herein contained shall be construed to infringe upon the Rights and Privileges of the respective Courts of Mayors and Aldermen of the City of New-York and Albany, but that they and each of them may hold and keep their respective Courts of Mayor and Aldermen after such manner and form as they are accustomed to do, and to hear and determine all matters brought before them, as formerly accustomed, any thing to the contrary hereof in any ways notwithstanding. In Testimony whereof His Excellency and Council have caused the great Seal of this Province to be hereunto annexed, at New-York this fifteenth day of May in the eleventh year of the Reign of Our Sovereign Lord William the Third, by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. Annoq; Domini, 1699.*

Pursuant to an Order of Council we do Report, this to be a proper Scheme for erecting the Courts of Judicature of this Province, which is humbly submitted,

W. Smith,
John Guest,
Ja. Graham.
